



**CITY OF YONKERS, NEW YORK  
BUREAU OF PURCHASING**

**SOLICITATION AND CONTRACT DOCUMENTS FOR  
EDWARD J. MURRAY MEMORIAL ICE SKATING RINK  
IMPROVEMENTS**

**REQUEST FOR PROPOSAL (RFP) NO. 254**

**PROPOSAL DUE**            **February 8, 2013**

**DATE AND TIME:**      **2:00 PM Prevailing Time**

**PROPOSER TO COMPLETE:**

**Name of Proposer** \_\_\_\_\_

**Address of Proposer** \_\_\_\_\_

\_\_\_\_\_

**Website** \_\_\_\_\_

**Contact** \_\_\_\_\_ **Title** \_\_\_\_\_

**Telephone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**E-mail** \_\_\_\_\_

**Date** \_\_\_\_\_

Dear Prospective Vendor:

The City of Yonkers (COY) is seeking proposals for professional services to develop a master plan and to design related improvements for the Murray Ice Rink, in order to improve and expand the services and recreational opportunities at the rink in the most cost effective manner. The Master Plan must allow for a phased implementation of improvements that will enhance the customers/skaters experience and which can be undertaken and completed in a relatively short time-frame. The designer shall perform all the necessary services provided under any contract resulting from this RFP in a satisfactory and proper manner, as determined by the Office of the City Engineer, according to professional and current industry design standards.

Information on the City of Yonkers may be obtained from the City's website at:

[www.yonkersny.gov](http://www.yonkersny.gov)

Technical and Cost Proposals shall be based on the Scope-of-Work described herein.

Proposers must submit both a Technical and a Cost Proposal for these services. This document and the separate attachments entitled RFP-254 1960 Plans Scan-2412-2416, RFP-254 As Built Electrical & Drainage Scan2431-2433, RFP-254 Garage & Storage RoomScan2427-2430, RFP-254 Rink ReplacementScan 2417-2423, and RFP-254 Roof ExtensionScan-2424-2426 comprise the entire Request for Proposal (RFP).

*Proposers are advised that the contents of this RFP and the successful Proposer's Technical and Cost Proposals, as submitted or negotiated, will be incorporated into the resultant contract.*

It is expressly understood that all costs associated with the preparation of the Technical and Cost Proposal are to be borne by the Proposer and the submission of such Proposals in no way obligates the City of Yonkers to any Proposer.

**Location of Work:** Edward J. Murray Memorial Skating Center  
348 Tuckahoe Road, Yonkers, New York 10710

**Date, Time, and Place Proposals are Due**  
Date: February 8, 2013  
Time: 2 PM  
Place: City of Yonkers – City Hall  
Department of Engineering – Room 315  
40 South Broadway, Yonkers, New York 10701

**Scheduled Site Inspection:**

**Date:** Friday, January 11, 2013  
**Time:** 10:00 AM  
**Place:** Main Entrance of Edward J. Murray Memorial Skating Center  
348 Tuckahoe Road, Yonkers, New York 10710

The site inspection is voluntary; however, attendance is strongly encouraged. If representatives of your organization plan to attend, please contact Tom Collich, Purchasing Director, at 914-377-6035 to confirm date and time of the inspection.

**Communications with the City**

Proposers are advised that from the date this RFP is issued until the award of the Contract, no contact with City personnel related to this solicitation is permitted, except as authorized by the Purchasing Director.

**RFP Contact Person**

All inquiries regarding this solicitation must be submitted, **in writing** to Mr. Michael Lepre, P.E., at the address below.

All inquiries must cite the RFP **page number, section, and paragraph number**. Inquiries may be submitted by fax or e-mail.

City of Yonkers – Department of Engineering  
Attn: Mr. Michael Lepre, P.E.  
City Hall, 40 South Broadway, Room 315  
Yonkers, New York 10701  
914-377-6214 (Phone) 914-964-5438 (Fax)  
[michael.lepre@yonkersny.gov](mailto:michael.lepre@yonkersny.gov) (e-mail)

Answers to all inquiries will be given to all prospective vendors in the form of a formal addendum to the RFP and shall be annexed to and become part of the ensuing contract.

Only written addenda issued by the Bureau of Purchasing shall be binding. No officer, employee, or agent of the City is authorized to clarify or amend the Solicitation Documents by any other method, and any such clarification or amendment, if given, is not binding on the City.

Prospective Proposers are reminded that it is their responsibility to ensure that they receive all addenda.

All addenda will be posted on the City's website at [www.yonkersny.gov](http://www.yonkersny.gov) and the Empire State Purchasing Group website at <http://www.empirestatebidsystem.com/>

Failure to acknowledge addenda may render a proposal non-responsive and ineligible for award.

Prospective vendors should note that all inquiries, including those relating to the terms and conditions of the contract must be resolved before an award is issued.

**ATTACHMENTS – See Separate Files.**

RFP-254 1960 Plans Scan-2412-2416  
RFP-254 As Built Electrical & Drainage Scan2431-2433  
RFP-254 Garage & Storage RoomScan2427-2430  
RFP-254 Rink ReplacementScan 2417-2423  
RFP-254 Roof ExtensionScan-2424-2426

## **INFORMATION FOR PROPOSERS**

### **Article 1. DEFINITIONS**

- A. ADDENDA and ADDENDUM shall mean the additional or modified contract provisions issued in writing by YONKERS prior to the Notice of Acceptance of Proposal/Contract Award.
- B. BEST AND FINAL OFFER shall mean that after negotiations with Proposers in the competitive range, the Proposers are invited to submit a second, best and final, technical and cost proposal.
- C. BOARD OF CONTRACT AND SUPPLY (BOCS) is the governing body of the City of Yonkers empowered to approve all contract awards and to reject bids or proposals.
- D. CITY, YONKERS, and COY shall mean the Corporation of the City of Yonkers.
- E. CONTRACT, CONTRACT DOCUMENTS, AGREEMENT, REQUEST FOR PROPOSAL and the abbreviation RFP shall mean the Information for Proposers, Scope of Work, Vendor Background Questionnaire, Performance and Payment Bond Forms (if applicable), Standard Terms and Conditions, Technical and Cost Proposals, all Addenda hereafter issued (if any), and the Notice of Acceptance of Proposal/Contract Award.
- F. CONTRACTOR, CONSULTANT, VENDOR, and PROPOSER are synonymous and shall mean the Corporation, Firm, Partnership, Individual, or any combination thereof, who has submitted a Proposal.
- G. NOTICE shall mean a written notice.
- H. NOTICE OF ACCEPTANCE OF PROPOSAL/CONTRACT AWARD shall mean the document that apprises the successful Proposer that this RFP has been approved for contract award by the Yonkers Board of Contract and Supply. It also informs the vendor to submit the required bonds and insurance, if required. It is not authorization to begin work.
- I. NOTICE TO PROCEED is the document issued by the City Project Manager informing the Vendor that they may begin the work. It is issued after the Vendor has submitted, and the City has accepted the required bonds and insurance, if necessary, and the Contract has been executed by all parties.
- J. PROJECT, WORK, and SERVICES are synonymous and shall mean all the required obligations of the Contractor hereunder, including but not limited to the performance of any labor or services, the supplying of any goods or materials, the furnishing of any other resources or requirements or deliverables necessary to perform, accomplish, and complete this Contract's objectives as stated in the Scope of Services.
- K. PROJECT MANAGER shall mean the individual or his/her duly authorized representative who is designated by YONKERS to administer this contract.
- L. PROPOSAL is an offer made by an entity to the City as a basis for negotiations for entering into a contract.

- M. REQUEST FOR PROPOSAL (RFP) all the documents furnished to prospective Proposers when soliciting proposals for the purpose of awarding a contract based on a formal evaluation of the characteristics deemed relevant to the City's objective, such as quality, project management, past experience, and professional reputation.
- N. SUBCONTRACTOR shall mean an individual or organization that enters into a contract to furnish services or labor and materials or apparatus in connection with the Work directly or indirectly for or on behalf of the Contractor.

## **Article 2. NEGOTIATIONS**

1. The City reserves the right, in its sole discretion, to reject at any time any or all proposals, to withdraw this RFP, to negotiate with one or more proposers, and/or negotiate on terms other than those set forth herein, including with parties other than those responding to this RFP. The City likewise reserves the right, at any time, to waive compliance with, or change any of the terms and conditions of this RFP or to entertain modifications or additions to selected proposals.
2. The City reserves the right to request the submission of Best and Final Offers from those Proposers who, after the conclusion of such negotiations, are still under consideration for award. A Proposer shall not have any rights against the City arising from an invitation to enter negotiations or to submit a Best and Final Offer.
3. The City reserves the right to award a contract based on initial Proposals received, without negotiations. Therefore, each initial Proposal should contain the Proposer's best offer from a technical and cost standpoint.

## **Article 3. CONTRACT AWARD**

1. The Contract resulting from this solicitation shall be awarded to the Proposer the City considers most qualified and whose Proposal the City determines to be the most advantageous to the City, based on the evaluation factors set forth in the RFP.
2. Any proposed contract award shall be subject to all required City oversight approvals.
3. A Proposer must comply with any and all federal, state, and local laws, rules and regulations, and executive orders applicable to the subject matter of this contract, including Equal Employment Opportunities (EEO), Civil Rights, MacBride Fair Employment Principles, and the New York State Labor Law.

## **Article 4. PERIOD OF PERFORMANCE**

Services shall begin immediately upon issuance of the Notice to Proceed and take place over a period of time mutually agreed to by the City and Vendor.

## **Article 5. PROPOSAL EVALUATION CRITERIA**

Proposals will be evaluated by a team of City representatives from the Departments of Engineering and Parks, Recreation, and Conservation.

A. All proposals will be evaluated based on the following criteria, which are of equal importance:

- a. Experience / Qualifications of firm and personnel to be assigned to the Yonkers engagement.
- b. References.
- c. Statement of Work.

B. Total Cost.

C. The award will go to the Vendor whose proposal provides the best value as determined by the City of Yonkers. If two offers are found to be substantially technically equivalent, price shall be the basis for determining the award recipient.

## **Article 6. PROPOSAL PACKAGE AND SUBMISSION REQUIREMENTS**

1. **Technical and Cost Proposals** must be submitted at the same time (two original hard copies and 2 electronic copies via disk or flash drive/memory stick). **Do not include any elaborate marketing or advertising materials—submit on 8.5” x 11” paper in a lean and concise format.** Technical and Cost Proposals must be signed by a duly authorized official of the firm, with the person’s name and title printed below the signature. All responses to this RFP must be received by **2:00 PM on Friday, February 8, 2013** and must be addressed to:

City of Yonkers – Department of Engineering  
Attn: Mr. Michael Lepre, P.E.  
City Hall, 40 South Broadway, Room 315  
Yonkers, New York 10701  
914-377-6214 (Phone) 914-964-5438 (Fax)  
[michael.lepre@yonkersny.gov](mailto:michael.lepre@yonkersny.gov) (e-mail)  
Re: Technical (or Cost) Proposal - RFP No. 254  
Title: Edward J. Murray Memorial Ice Skating Rink Improvements

### **2. Oral Presentations**

After receipt of Proposals, Proposers may be requested to make an oral presentation. Proposers unable or unwilling to make oral presentations may be removed from consideration.

The City of Yonkers reserves the right to interview all staff proposed for the engagement and to approve or reject their participation in the engagement.

### **3. Cancellation**

The City of Yonkers reserves the right to cancel this RFP at any time, if the City deems it to be in its best interest. In no event shall the City have any liability whatsoever for cancellation of an award before execution of a contract by all parties. A Proposer assumes sole risk and responsibility for its expenses before execution of a contract by all parties and shall not commence work until receipt of a fully executed contract.

#### 4. **Confidentiality**

Proposers shall specifically identify those portions of the Proposal deemed to be confidential, proprietary information, or trade secrets, and provide justification why such material, upon request, should not be disclosed by the City.

Such information deemed by the Proposer to be confidential or proprietary should be easily separable from the non-proprietary sections of the Proposal.

#### 5. **Modified Proposals**

A Proposer may submit a modified Proposal to replace all or any portions of a previously submitted Proposal up until the Proposal Due Date and Time and, if discussions have begun, up until the Due Date and time established for submission of Best and Final Offers. The Evaluation Committee shall consider only the latest timely version of the Proposal.

#### 6. **Withdrawal of Proposals**

A Proposal shall be irrevocable for a period of 120 calendar days from the Proposal Due Date and Time. A Proposal may be withdrawn in writing before the Proposal Due Date and Time or, if discussions have begun up until the Due Date and Time set for the submission of Best and Final Offers.

#### 7. **Late Proposals / Late Modifications**

Proposals received after the Proposal Due Date and Time are late and shall not be considered. Modified Proposals received after the Proposal Due Date and Time are late and shall not be considered.

### **Article 7. TECHNICAL PROPOSAL PACKAGE**

**THE TECHNICAL PROPOSAL** shall **succinctly** address in narrative form (**maximum of 25 single sided pages**), how the Proposer shall satisfy the requirements described in the Statement of Objectives. The Technical Proposal shall include in the following order:

- a) **Company Profile.** Describe the Proposer's **origin, current ownership, and management.** If the Proposer is a joint venture or consortium, describe the **origin, current ownership, and management of each firm** comprising the joint venture or consortium. Include copies of all required licenses and certifications to conduct business in the State of New York.
- b) **Overall Qualifications and Experience.** Describe the Proposer's abilities, skills, knowledge, resources (financial and organizational), current workload, and ability to complete projects on schedule. Describe the type of work performed with your own workforce. If sub-contractors are used, describe the services they provide, describe their qualifications and experience, and the percentage of the total work they will perform.

Proposers shall identify all their current active projects in Yonkers and active projects in the areas surrounding Yonkers that may impact the Yonkers engagement.

In addition, the Proposer (and each firm comprising the joint venture or consortium, and each sub-contractor, if any) shall provide an affirmative statement that they are independent of the City of Yonkers. Proposers shall disclose all direct and indirect, actual or potential conflicts of interest it or any of the Proposer's personnel and sub-consultants may have with the City of Yonkers.

- c) **A Statement-of-Work describing the Proposer's approach** for providing the services described in the Statement of Objectives. The Statement-of-Work shall also list and describe all the tasks, by phase, that you envision will be required to accomplish this work and the estimated time to complete each task. Also, indicate the resources you shall require of the City, if any, to accomplish this work.
- d) **Public Sector references (minimum of five).**
- Include name of contracting agency, address, contact, telephone and fax numbers, email, services provided, contract start and end dates, original contract award amount, and final contract amount.

The general criteria to be considered in evaluating the Technical Proposal include the Proposal's overall detail, quality, and conformance to the RFP submission requirements for content and format.

The Technical Proposal shall be submitted in a sealed envelope, identified with the words Technical Proposal – RFP No. 254 – Edward J. Murray Memorial Ice Skating Rink Improvements and the Proposer's return address.

#### **Article 8. COST PROPOSAL PACKAGE**

While cost is only one of the factors the City will consider in selecting a Contractor, the City will only enter a contract if a firm's Cost Proposal, as submitted or negotiated, is reasonable in the City's sole judgment.

The Cost Proposal shall be submitted at the same time as the Technical Proposal, *in a separate, sealed envelope*, identified with the words Cost Proposal – RFP No 254, Edward J. Murray Memorial Ice Skating Rink, and the Proposer's return address.

The Cost Proposal shall be presented as a **lump sum not-to-exceed cost** to prepare the Master Plan as outlined in subsections A-F of the Statement of Objectives. The "lump sum" shall be inclusive of all deliverables, and all labor (professional and clerical), benefits, overhead, profit, and all other costs required to perform the work—including, but not limited to, per diem, reproductions, communications, etc.

The Cost Proposal shall include payment milestones and a proposed work schedule from execution of the contract by all parties through to delivering final Master Plan.

#### **Article 9. FORM OF CONTRACT**

The successful Proposer will be required to execute the City's standard Personal Services Contract, which can be viewed on the Yonkers Purchasing Department website at <http://www.yonkersny.gov/Index.aspx?page=1227>. If the Proposer takes exception (modifications, deletions, or additions) to any section of this agreement, those exceptions must be clearly stated in an attachment to the Technical Proposal. The City of Yonkers reserves the right to reject any proposal based upon exceptions to the Personal Services Contract.



#### **Article 10. EXAMINATION OF SOLICITATION DOCUMENTS**

Prospective Proposers shall examine the Solicitation Documents carefully and before submitting a proposal, and are responsible for obtaining all additional updates and modifications to this RFP via the City of Yonkers website regarding information about this RFP. Prospective Proposers shall submit to the RFP Contact Person, in writing, any questions, or requests for clarification of any ambiguity, or correction of any inconsistency or error in the documents. The City's response to such a written request shall be issued in a written addendum to the RFP and shall be binding on all Proposers. Only written addenda issued by the Bureau of Purchasing shall be binding. No officer, employee, or agent of the City is authorized to clarify or amend the Solicitation Documents by any other method, and any such clarification or amendment, if given, is not binding on the City.

#### **Article 11. CONSTRUCTION COST ESTIMATES**

The Consultant shall use their best professional judgment to design the project within the Consultant's estimated cost approved by the City. It is agreed that the Consultant cannot guarantee such estimates, however, should the low responsive bid for any trade exceed the Consultant's estimated cost for that trade by more than ten (10%) percent, it is understood that the Consultant, without any additional costs to the City, shall revise the construction plans, specifications, and / or drawings for that trade to allow the project cost to meet the City's project budget.

### **STATEMENT OF OBJECTIVES**

The City wishes to improve and expand the services and recreational opportunities at the Murray Ice Rink in a phased approach and in the most cost effective manner. As such, the City would like to implement the following actions under this proposal:

Phase I - Master Plan: The Consultant shall develop a Master Plan for the facility that must allow for a phased implementation of improvements that will enhance the customers/skaters experience and which can be undertaken and completed in a relatively short time-frame. The primary goals associated with this Master Planning process are to: (1) replace the existing trailers which house makeshift locker rooms with four new, permanent locker rooms with shower and rest room facilities; (2) create heated party/observation room(s); (3) create for-rent locker facilities to better enable leagues to utilize the space during seasonal activities; (4) replace the aging boiler system; (5) consider the viability of enclosing the rink facility, whether through a retrofit of the current structure, or wholesale replacement of the arched roof structure; (6) develop the concept for a future phase of redevelopment of the facility which would include a second sheet of ice, while continuing to accommodate the expanding parking needs of this facility; (7) explore options for off-season use (Parks currently operates adult floor and roller hockey leagues, June thru September); and (8) provide budgetary-level cost estimates for each project component addressed in the Master Plan.

Phase II – Construction Documents: Based on the results of the Master Plan, and in consultation with the City to determine which specific improvements that will be chosen from the Master Plan to be initially implemented, the Consultant shall prepare construction documents and detailed cost estimates for the purposes of constructing the identified improvements.

All Consultant work for Phase I and Phase II shall be designed and certified by a New York State Licensed Professional Engineer or Registered Architect, in accordance with New York State Law. Details of the proposed work for both Phase I and Phase II are described below.

## **Phase I – Master Plan:**

A brief description of the various Master Plan project components are as follows:

### **A. Rink Enclosure:**

- (i) Explore options to enclose rink which will allow for the construction of new stands on the west side of building (The Parks Department has purchased stands. Ideally these would be incorporated in the new building design, however if the new plan required alternate seating, the purchased stands could be utilized at other City Parks);
- (ii) Modifications to structure roof, with possible addition of framing and operable windows along full length of west side of rink;
- (iii) Ventilation required to remove humidity and maintain ice quality;
- (iv) Determine ventilation requirements for diesel or electric Zamboni.

### **B. New Locker Rooms (4) on east side of building:**

- (i) 2 - 24ft x 48ft buildings or 4-24ftx24ft rooms, with rest rooms and showers;
- (ii) Access to both rink side and parking lot side. The City of Yonkers presumes that any second sheet of ice will be located on the eastern side of the current rink, and that these locker rooms should be accessible to any new rink/ice facility;
- (iii) Energy efficient hot water, heating and possibly a/c systems. Explore benefits of using standalone systems;
- (iv) Canopy or roof overhang between lockers and covered rink if proposal does not provide for complete enclosure of existing rink;
- (v) Enclose remainder of east side of building with framing and possibly with operable windows;
- (vi) Additional locker facilities for seasonal rental.

### **C. Party Rooms - (2) on east side of building:**

- (i) COY will consider single 24ft x 48ft building with central divider;
- (ii) Access to both rink side and parking lot side;
- (iii) Canopy or roof overhang between lockers and covered rink;
- (iv) 2 restrooms, one in each section;
- (v) Windows facing ice and rear of facility;
- (vi) Energy efficient hot water, heating and possibly a/c systems. Explore benefits of using standalone systems;
- (vii) Party rooms may be located on eastern side of building or as a 2<sup>nd</sup> floor mezzanine in front of building (see *Improvements to front of building* below).

### **D. Improvements to front of building**

- (i) New doors, flooring, lighting, color scheme;
- (ii) Prefer relocation of Zamboni storage room to allow for uninterrupted pedestrian flow between main reception and party room/ locker rooms;
- (iii) Possible rehabilitation/ re-purposing of existing block buildings currently used as changing rooms;
- (iv) Evaluate possible uses for a newly constructed 2<sup>nd</sup> floor mezzanine in front of the building, overlooking the rink (directly over existing ticket sales/seating area). Mezzanine to meet all ADA requirements.

**E. New boiler for central heating system. Consider possible conversion from oil heat to gas heat.**

**F. Improvements to consider the possibility of constructing an additional rink, adjacent to or behind existing rink.**

**Phase II – Construction Documents:**

Based on the results of the Master Plan, and after the City has determined and identified which specific improvements that will be initially implemented, the Consultant shall be required to prepare detailed construction documents and cost estimates, which shall be submitted for City review at 30, 60, 90 and 100 percent stages of completion.

When construction documents are deemed complete, building permits from the City of Yonkers Department of Housing and Buildings must be obtained, as required by the Codes of New York State.

The work for the subject improvements will require that the Consultant prepare a Phase II Cost Proposal that will include design, production of construction documents and cost estimates, and construction administration/support activities. The Phase II Cost Proposal shall be requested by the City after the work for Phase I has been deemed to be complete.

**COST PROPOSAL**

The Cost Proposal shall be presented as **a lump sum not-to-exceed cost** to perform all tasks associated with the work for Phase I, as outlined above. The proposer shall provide a fee schedule that indicates the hourly compensation rate of all personnel to be utilized on the project, the pay rates of which shall not be subject to change for the duration of the project. The lump sum project cost shall be based on the Proposer's best estimate of the magnitude/duration of time that various personnel will be required to expend to perform the work, with specific pay rates applied as required. The "lump sum" shall be inclusive of all deliverables, and all labor (professional and clerical), benefits, overhead, profit, and **ALL** other costs required to perform the work—including, but not limited to, per diem, reports, communications, travel, postage, etc.

**Lump Sum Not-to-Exceed Cost – Phase I: \$ \_\_\_\_\_**

<b>Proposer's Name:</b>	
<b>Firm Representative: (Print Name)</b>	
<b>Title:</b>	
<b>Signature:</b>	
<b>Date:</b>	